

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:25-00081

BERNABE MONTALVO SALAS

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of Bernabe Montalvo Salas to continue the trial. (ECF No. 30.) Counsel for the defendant explains that due to counsel's inability to communicate directly with the defendant, he has been unable to meet with defendant and therefore has not been able to properly advise and convey information to him. Counsel requests that the matter be continued so that he is able to properly communicate with his client and make sure that his client understands his rights and any consequences of any further proceedings in this matter. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary

for effective preparation, taking into account the exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

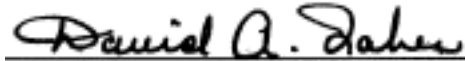
Accordingly, the court hereby **ORDERS** as follows:

1. Jury Instructions and Proposed Voir Dire are due by July 31, 2025;;
2. Trial of this action is continued to August 12, 2025, at 9:30 a.m. in Charleston; and
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 27th day of June, 2025.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge